

FILED

APR 19 2006

IN OFFICE
CORINNE T. HURST
CIRCUIT CLERK

IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

NC-WC LP

Plaintiff,

vs.

DAVID STIVARIUS, MALISSA ADELL LEE, ★
DELTA PROPERTIES, ALAN R. FLEMING ★
and UNITED STATES DEPT. OF TREASURY ★
INTERNAL REVENUE SERVICE ★
Defendants. ★

CIVIL ACTION NO. CV-06-186

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Comes now Defendant, DELTA PROPERTIES, L.L.C., by and through its attorney, ALISA J. CALDWELL, in the above styled matter, and files his Answer to Plaintiff's Complaint as follows:

1. Defendant Delta Properties, L.L.C. admits that Defendant Delta Properties, L.L.C. is an Alabama corporation with an address of 403 Seventh Street Tallahassee, Alabama 36078, Defendant is without information to admit or deny the remaining portion of Plaintiff's averment #1.

2. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #2 and demands strict proof thereof.

3. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #3 and demands strict proof thereof.

4. Defendant Delta Properties, L.L.C. denies he holds tax title deed to the property by virtue of tax sale held on May 4, 2005. Defendant Delta Properties, L.L.C. holds a tax sale certificate by virtue of tax sale held on May 4, 2004. Defendant

Delta Properties, L.L.C. denies the remaining averments in #4 and demands strict proof thereof.

5. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #5 and demands strict proof thereof.

6. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #6 and demands strict proof thereof.

7. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #7 and demands strict proof thereof.


8. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #8 and demands strict proof thereof.

9. Defendant Delta Properties, L.L.C. denies Plaintiff's averment #9 and demands strict proof thereof.

10. Defendant Delta Properties, L.L.C. admits Plaintiff's averment #10.

11. Defendant Delta Properties, L.L.C. admits Plaintiff's averment #11.


Respectfully submitted,


ALISA J. CALDWELL (CAL035)
Attorney for Plaintiff

SCARBOROUGH & WELDON, L.L.C.
ATTORNEYS AT LAW
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Tallassee, AL 36078
(334) 283-2893

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Answer was served by U. S. Postal Mail, postage prepaid, upon Hon. Gary S. Olshan, Attorney for Plaintiff, P. O. Box 3020, Birmingham, Alabama 35202, this the 10th day of April, 2006.


ALISA J. CALDWELL